



July 20, 1999

Ms. Kathleen Weisskopf
Assistant City Attorney
City of Arlington
Box 231
Arlington, Texas 76004-0231

OR99-2033

Dear Ms. Weisskopf:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127645.

The Arlington Police Department (the "department") received a request for police records. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You assert that the information at issue is made confidential by section 261.201 of the Family Code, and is therefore protected from disclosure by section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

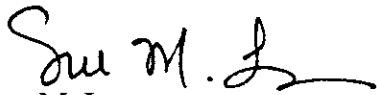
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

The requested information here consists of "files, reports, records, communications, audiotapes, videotapes, and working papers used or developed" in an investigation conducted under chapter 261 of the Family Code. *See* Fam. Code §§ 261.001(1)(C), 261.103(1). We believe section 261.201(a) is applicable to the requested information. Thus, the department must withhold the requested information from the requestor. We note that parents may have a right of access to information maintained by the Texas Department of Protective and Regulatory Services. Fam. Code § 261.201(f).

Because section 261.201 of the Family Code is dispositive, we need not address your claim under section 58.007 of the Family Code. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue M. Lee", with a stylized flourish at the end.

Sue M. Lee
Assistant Attorney General
Open Records Division

SML\nc

Ref: ID# 12745

Encl: Submitted documents